

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL FRANKO,

Plaintiff,

-against-

OSKAR LEWNOWSKI et al.,

Defendants.
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USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 8/10/2021

21-cv-6115 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On July 12, 2021, Plaintiff initiated this action and filed his complaint in the New York State Supreme Court, New York County. (Doc. 1 Ex. A.) On July 16, 2021, Defendants filed a notice of removal on grounds of diversity jurisdiction. (Doc. 1.) “After removal, repleading is unnecessary unless the court orders it.” Fed. R. Civ. P. 81(c)(2). “A defendant who did not answer before removal must answer or present other defenses or objections . . . within the longest of these periods”: (1) “21 days after receiving—through service or otherwise—a copy of the initial pleading”; (2) “21 days after being served with the summons for an initial pleading on file at the time of service,” or; (3) “7 days after the notice of removal is filed.” *Id.* While Defendants maintain that they have not yet been served with the Complaint, (Doc. 1 ¶ 3), they nevertheless received a copy of the Complaint and summons, (*see* Doc. 1 Ex. A). As such, under Rule 81, Defendants are overdue in answering or otherwise responding to the Complaint.

It is hereby:

ORDERED that Defendants are directed to answer or otherwise respond to Plaintiff’s Complaint on or before August 31, 2021.

SO ORDERED.

Dated: August 10, 2021
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick", written over a horizontal line.

Vernon S. Broderick
United States District Judge